

104TH CONGRESS
1ST SESSION

S. 855

To amend title 10, United States Code, to revise the authorization for long-term leasing of military family housing to be constructed.

IN THE SENATE OF THE UNITED STATES

MAY 25 (legislative day, MAY 15), 1995

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to revise the authorization for long-term leasing of military family housing to be constructed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REVISION OF AUTHORIZATION FOR LONG**
4 **TERM LEASING OF MILITARY FAMILY HOUS-**
5 **ING.**

6 (a) REVISION.—The text of section 2835 of title 10,
7 United States Code, is amended to read as follows:

8 “(a) BUILD AND LEASE AUTHORIZED.—The Sec-
9 retary of a military department, or the Secretary of Trans-
10 portation with respect to the Coast Guard, may enter into

1 a contract for the lease of family housing units to be con-
2 structed or rehabilitated to military use on or near a mili-
3 tary installation within the United States under the Sec-
4 retary's jurisdiction at which there is a shortage of family
5 housing. Housing units leased under this section shall be
6 assigned, without rental charge, as family housing to
7 members of the armed forces who are eligible for assign-
8 ment to military family housing.

9 “(b) COMPETITIVE PROCESS.—Each contract under
10 subsection (a) shall be awarded through the use of publicly
11 advertised, competitively bid, or competitively negotiated,
12 contracting procedures as provided in chapter 137 of this
13 title. Such a contract may provide for the contractor of
14 the housing facilities to operate and maintain such hous-
15 ing facilities during the term of the lease.

16 “(c) CONDITIONS ON OBLIGATION OF FUNDS.—A
17 lease contract entered into for a military housing project
18 under subsection (a) shall include the following provisions:

19 “(1) A statement that the obligation of the
20 United States to make payments under the contract
21 in any fiscal year is subject to the availability of ap-
22 propriations for that purpose.

23 “(2) A requirement that housing units con-
24 structed pursuant to the contract be constructed to
25 Department of Defense specifications.

1 “(d) LEASE TERM.—A contract under this section
2 may be for any period not in excess of 20 years (excluding
3 the period required for construction of the housing facili-
4 ties).

5 “(e) RIGHT OF FIRST REFUSAL TO ACQUIRE.—A
6 contract under this section shall provide that, upon the
7 termination of the lease period, the United States shall
8 have the right of first refusal to acquire all right, title,
9 and interest to the housing facilities constructed and
10 leased under the contract.

11 “(f) NOTICE AND WAIT REQUIREMENTS.—A con-
12 tract may not be entered into for the lease of housing fa-
13 cilities under this section until—

14 “(1) the Secretary of Defense submits to the
15 appropriate committees of Congress, in writing, an
16 economic analysis (based upon accepted life cycle
17 costing procedures) which demonstrates that the
18 proposed contract is cost-effective when compared
19 with alternative means of furnishing the same hous-
20 ing facilities; and

21 “(2) a period of 21 calendar days has expired
22 following the date on which the economic analysis is
23 received by those committees.”.

24 “(b) BUDGET SCORING.—For purposes of scoring the
25 budgetary impact of any contract entered into under sec-

1 tion 2835 of title 10, United States Code (as amended
2 by subsection (a)), the total amount of budget authority
3 required by the contract, and the total outlays, shall be
4 scored on a pro rata basis over the term of the contract.

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